S T A T E O F N E W Y O R K

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I N S E N A T E

May 14, 2014

Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to services for individuals with developmental disabilities

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Paragraphs (a) and (a-1) of subdivision 8 of section 4403 of the public health law, as added by section 74 of part A of chapter 56 of the laws of 2013, are amended to read as follows:

(a) Such organization must have the ability to provide or coordinate services for persons with developmental disabilities, as demonstrated by criteria to be determined by the commissioner and the commissioner of the office for people with developmental disabilities. Such criteria shall include, but not be limited to, adequate experience providing or coordinating services for persons with developmental disabilities[.] UNDER THE REGULATORY OVERSIGHT OF THE OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES;

(a-1) If the commissioner and the commissioner of the office for people with developmental disabilities determine that such organization lacks the experience required in paragraph (a) of this subdivision, the organization shall have an affiliation arrangement with an entity or entities THAT ARE NON-PROFIT with experience serving persons with developmental disabilities UNDER THE REGULATORY OVERSIGHT OF THE OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES, INCLUDING, BUT NOT LIMITED TO, RESIDENTIAL, DAY, AND EMPLOYMENT SERVICES such that the affiliated entity will coordinate and plan services operated, certified, funded, authorized or approved by the office for people with developmental disabilities or will oversee and approve such coordination and planning;

S 2. Paragraphs (a) and (a-1) of subdivision 12 of section 4403-f of the public health law, as added by section 76 of part A of chapter 56 of the laws of 2013, are amended to read as follows:

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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(a) Such plan must have the ability to provide or coordinate services for persons with developmental disabilities as demonstrated by criteria to be determined by the commissioner and the commissioner of the office for people with developmental disabilities. Such criteria shall include, but not be limited to, adequate experience providing or coordinating services for persons with developmental disabilities UNDER THE REGULATORY OVERSIGHT OF THE OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES;

(a-1) If the commissioner and the commissioner of the office for people with developmental disabilities determine that such plan lacks the experience required in paragraph (a) of this subdivision, the plan shall have an affiliation arrangement with an entity or entities THAT ARE NON-PROFIT with experience serving persons with developmental disabilities UNDER THE REGULATORY OVERSIGHT OF THE OFFICE FOR PEOPLE WITH DEVELOPMENTAL DISABILITIES, INCLUDING, BUT NOT LIMITED TO, RESIDENTIAL, DAY AND EMPLOYMENT SERVICES, such that the affiliated entity will coordinate and plan services operated, certified, funded, authorized or approved by the office for people with developmental disabilities or will oversee and approve such coordination and planning;

S 3. This act shall take effect immediately, provided, however, that the amendments to subdivision 8 of section 4403 of the public health law made by section one of this act shall not affect the repeal of such subdivision and shall be deemed repealed therewith; provided, further that the amendments to subdivision 12 of section 4403-f of the public health law made by section two of this act shall not affect the repeal of such subdivision and such section and shall be deemed repealed therewith.